

# **BOARD OF ADJUSTMENT AGENDA**

**REGULAR MEETING**

**MONDAY, FEBRUARY 24, 2014**

**4:30 P.M.**

**CITY COUNCIL CHAMBERS**



1. Meeting Called to Order.
2. Roll Call, Determination as to Legality, Notice of Meeting and Agenda.
3. Reading of the Minutes of the January 27, 2014 Regular Meeting.
4. Public comment period. The general public is invited to address the Board of Adjustment regarding any item on this agenda. The overall and individual speaking time allotments may be limited by the Chair.
5. Consider request of Broad Street Apartments, LLC, Richard M. Brandenburgh, Member to erect a pole sign in the Downtown Commercial District at 225 West Military, Fremont, Dodge County, Nebraska.

**THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE AND THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT [WWW.FREMONTNE.GOV](http://WWW.FREMONTNE.GOV) AND DISTRIBUTED TO THE BOARD OF ADJUSTMENT, MAYOR AND CITY COUNCIL ON FEBRUARY 18, 2014 AND IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC AT 400 EAST MILITARY, 3<sup>RD</sup> FLOOR. A COPY OF THE OPEN MEETING LAW IS POSTED CONTINUALLY FOR PUBLIC INSPECTION LOCATED NEAR THE COUNCIL CHAMBERS ENTRANCE DOOR BY THE AGENDAS. THE BOARD OF ADJUSTMENT RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.**

## STAFF REPORT

**TO:** Board of Adjustment

**FROM:** Rian Harkins, AICP, Planning Director

**DATE:** 13 February 2014

**SUBJECT:** Consider request of Broad Street Apartments, LLC to erect a pole sign in the Downtown Commercial Zoning District or a monument sign within the vision clear triangle at 225 West Military Ave, Fremont, Dodge County, Nebraska.

<b>Recommendation:</b> Staff recommends approval.
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**Request:**

The applicant requests a variance of to erect a pole sign or a monument sign within the vision clear triangle

**Background**

The property is located at the intersection of Military and Broad. The parcel is zoned DC Downtown Commercial. The applicant can construct a monument sign (aka ground sign) that is within the provisions of the signage section of the zoning ordinance. However, the proposed location of the ground sign is within the vision clearance triangle. This causes a potential safety issue for vehicles turning out of the property.

The applicant is willing to install a pole sign instead of a ground sign. However, while this would remove the issues relating to the vision clearance triangle, such sign types are not allowed currently in the DC zoning district. Thus a variance is needed for one sign type or the other within the vision clearance triangle. The request is being caused by the relocation of the existing sign in correlation to the US 77 widening project.

Because of the layout of the site, the need to maintain at least some vision clearance at the access/egress points, the fact that the pole sign allows for at least some ability to see traffic during turn movements, and the fact that this is being precipitated by public action, staff is recommending approval of the variance for the pole sign.

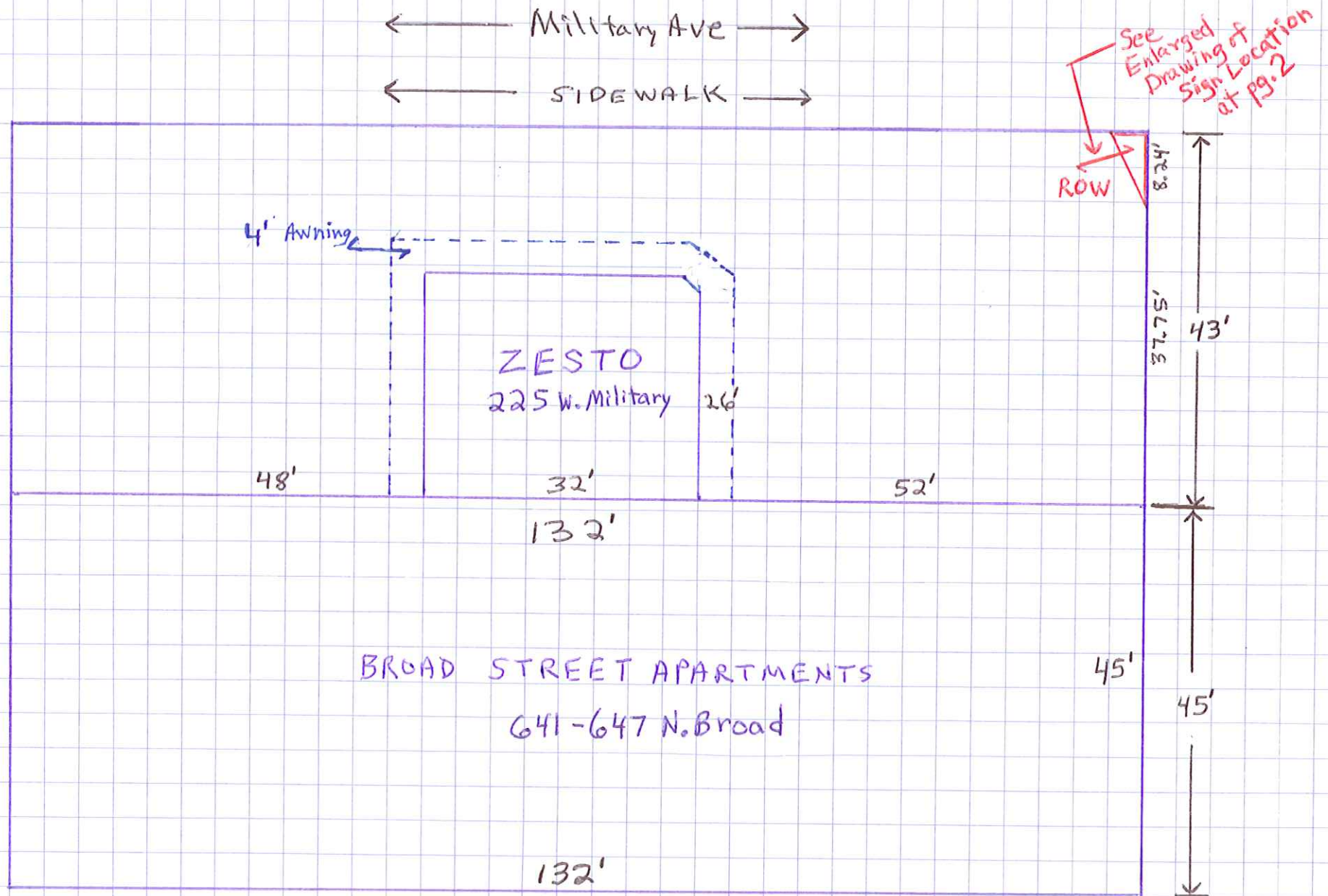
**Required findings:**

- (a) The strict application of the zoning regulations will produce undue hardship.
- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
- (c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.
- (d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

(e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to these Zoning Regulations.

(f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.





SCALE  $\frac{1}{4}" = 4'$

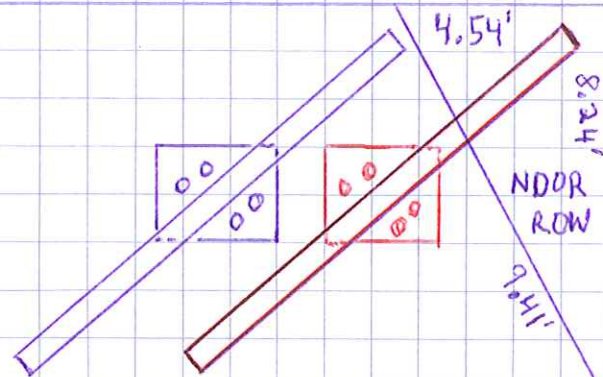
Zesto Site Plan

N 88' Lots 1+2, Block 126, OT

Pg. 1 of 2

SCALE  $\frac{1}{4}" = 1'$

132'



BLUE = RE-LOCATED  
SIGN

Moved 3'6" West

Red = EXISTING  
SIGN

34.75'



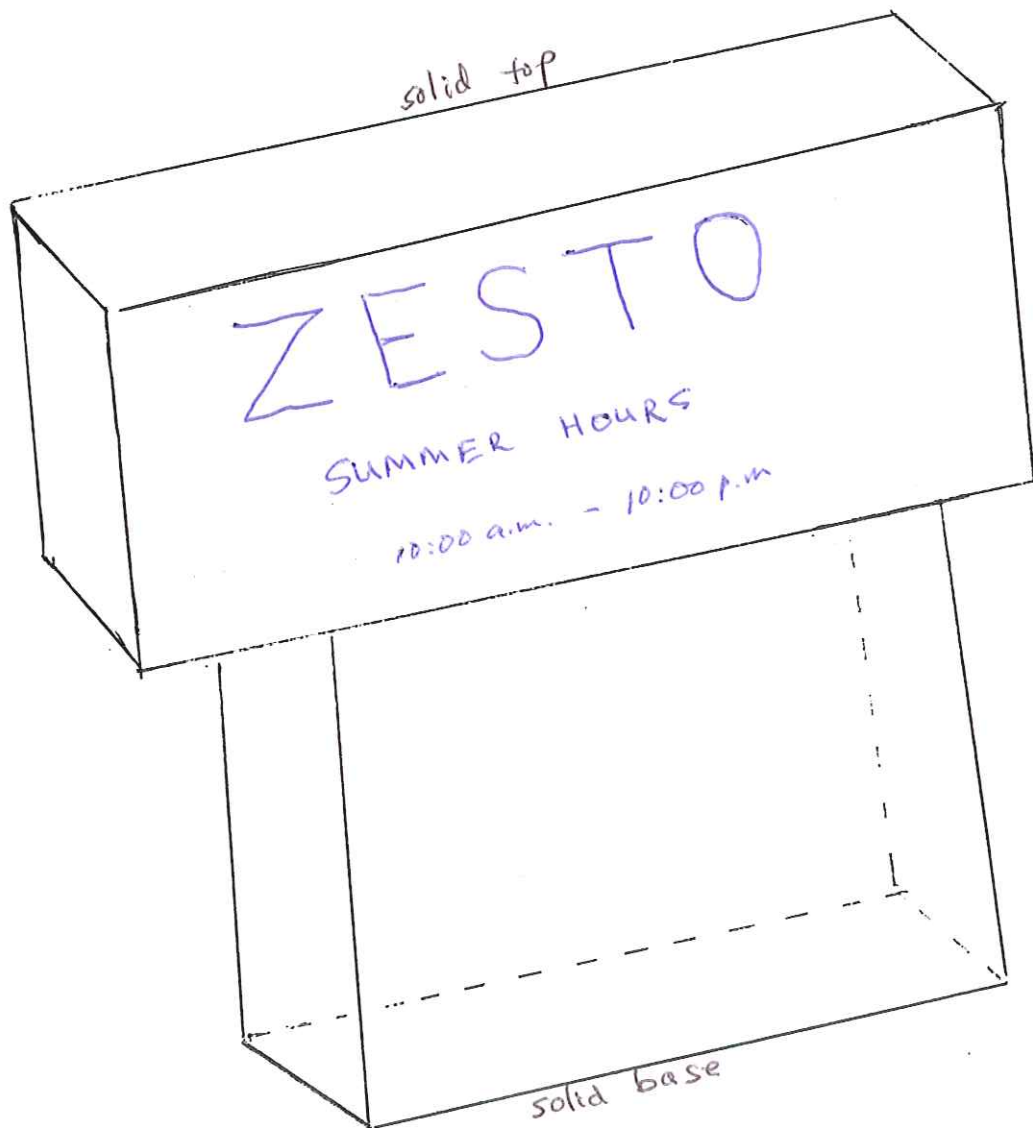
BROAD STREET  
APARTMENTS  
BUILDING

45'

132'







### Alternative ground/monument sign.

- Would lose the historic character of the iconic "Zesto" sign.
- would interfere with line of sight of cars at the intersection of Military + Broad.
- would be more likely to be damaged by cars using the Zesto parking lot because of the solid base, compared to the "V" poles supporting the existing sign.